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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,718	10/09/2003	Michael Harville	200315121-1	2041
22879 7590 02/07/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER PEZZLO, JOHN	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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TH

<b>Office Action Summary</b>	<b>Application No.</b> 10/683,718	<b>Applicant(s)</b> HARVILLE ET AL.	
	<b>Examiner</b> John Pezzlo	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-13, 15, 16, 18, 19, 21, 22, 24, 25, 28, 29, 33, 34 and 36-39 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 14, 17, 20, 23, 26, 27, 30-32, 35 and 40-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 5 and 18 are objected to because of the following informalities: Claim 5, line 3, "said triggering event" lacks antecedent basis and claim 18, line 5, "said bus" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15, 16, and 17, line 1, "computer-usable medium" needs to amended to -- computer readable medium --. Claim 15, line 2, "computer system to perform" needs to be amended to -- computer to execute --.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-4, 6-8, 10-13, 15, 16, 18, 19, 21, 22, 24, 25, 28, 29, 33, 34, and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed (US 2007/0057781 A1).

1. Regarding claim 1 and 6 and 19 – Breed discloses a first input port for receiving a first input from a first of said plurality of communication devices, a second input port for receiving a second input from a second of said plurality of communication devices, wherein said first of said plurality of communication devices and said second of said plurality of communication devices do not have a prior association, a generator for selectively combining said first input and said second input to create said enhanced representation of said communication session, and an output port for sending said enhanced representation of said communication session, refer to Figures 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

2. Regarding claim 2 – Breed discloses said first input, said second input, and said enhanced representation are selected from the group consisting of audio data, visual data, and audio/visual data, refer to Figures 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

3. Regarding claims 3 and 8 and 13 and 16 and 33 – Breed discloses said coordinating component is disposed upon at least one of said plurality of communication devices, refer to

Figures 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

4. Regarding claim 4 – Breed discloses at least one of said plurality of communication devices can be coordinated with an enhanced media environment, refer to Figures 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

5. Regarding claim 7 – Breed discloses communicatively coupling at least one of said plurality of communication devices with a network; and implementing said coordinating component via said network, refer to Figures 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0016], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

6. Regarding claim 10 – Breed discloses an audio output device, a visual input device, and a visual output device, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

7. Regarding claim 11 – Breed discloses communicatively coupling at least one of said plurality of communication devices with an enhanced media environment, refer to Figures 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

8. Regarding claims 12 and 15 and 18 - Breed discloses establishing a communication session between a plurality of communication devices, wherein said plurality of communication devices do not require a prior association with each other, each of said plurality of communication devices comprising: a bus, a processor coupled with said bus, a memory coupled with said bus, and an audio system coupled with said bus, designating a coordinating component for said communication session, said coordinating component for automatically creating an enhanced representation of a plurality of audio inputs from said plurality of communication devices; and outputting an enhanced representation of said audio input, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

9. Regarding claim 21 – Breed discloses said enhanced representation is conveyed to said plurality of communication devices, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

10. Regarding claim 22 – Breed discloses said plurality of communication devices are disposed at two or more physically separated locations, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

11. Regarding claim 24 – Breed discloses said enhanced representation is conveyed to at least one media presentation device of an enhanced media environment, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.
12. Regarding claim 25 – Breed discloses for at least two of said plurality of communication devices, said at least one sensor comprises an audio sensor and wherein said enhanced representation comprises audio data created from selective combination of input from said audio sensors, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.
13. Regarding claim 28 – Breed discloses at least one of said plurality of communication devices further comprises an audio display operable for playing a portion of said enhanced representation and a visual display operable for playing a portion of said enhanced representation, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.
14. Regarding claim 29 – Breed discloses said enhanced representation is input from a group of sensors consisting of an audio sensor disposed within said enhanced media environment, and a visual sensor disposed within said enhanced media environment, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

15. Regarding claim 34 – Breed discloses at least one of said plurality of communication devices is communicatively coupled with a communication network, and wherein said coordinating component is implemented upon at least one computer system accessible via said communication network, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

16. Regarding claim 36 – Breed discloses said coordinating component detects a human gesture based upon analysis of at least one visual input from said plurality of communication devices, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

17. Regarding claim 37 – Breed discloses said human gesture is selected from a group consisting of detecting a pre-defined head movement, detecting a pre-defined hand gesture, and detecting a pre-defined motion of a physical aid, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

18. Regarding claim 38 – Breed discloses said coordinating component excludes at least one of said plurality of communication devices as an input device for said enhanced representation in response to detecting said human gesture, refer to Figures 4, 78, 79, 80A-80G, and 90 and



paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

19. Regarding claim 39 – Breed discloses said coordinating component appends a time notation to said enhanced representation in response to detecting said human gesture, refer to Figures 4, 78, 79, 80A-80G, and 90 and paragraphs [0012], [0013], [0015], [0017], [0018], [0937], [0949], [0952], [0959], [0994], [1010], and claim 1.

#### ***Allowable Subject Matter***

Claims 5, 9, 14, 17, 20, 23, 26, 27, 30-32, 35, and 40-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Clisham (US 2004/0022222 A1) discloses wireless MAN system and method.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

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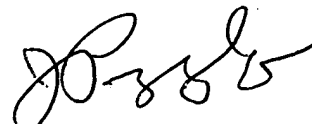
Hand delivered responses should be brought to:

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**JOHN PEZZLO**  
**PRIMARY EXAMINER**

John Pezzlo

30 January 2008